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Danvers J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

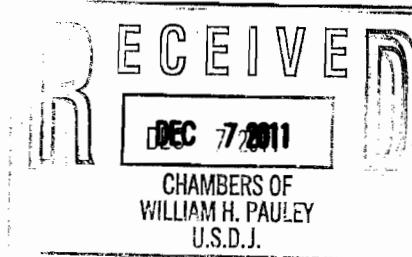
AMERICAN CIVIL LIBERTIES UNION,
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,
UNITED STATES DEPARTMENT OF JUSTICE,

Defendants.



ECF Case

11 Civ. 7562 (WHP)

**STIPULATION AND ORDER
REGARDING FOIA REQUEST**

SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.

12/9/11

Plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation ("Plaintiffs") and Defendants Federal Bureau of Investigation and United States Department of Justice hereby stipulate to the following regarding Plaintiffs' request made pursuant to the Freedom of Information Act ("FOIA"), dated May 31, 2011 (the "FOIA Request"), and the subject of the above-captioned action:

1. The FOIA Request is limited to documents memorializing the following:
 - a. Legal opinions or memoranda concerning or interpreting Section 215 of the USA PATRIOT Act ("Section 215");
 - b. Guidelines for government personnel regarding the use of Section 215;
 - c. Reports provided to Congress by the Federal Bureau of Investigation or Department of Justice concerning or memorializing the Executive Branch's interpretation or use of Section 215;
 - d. Rulings, opinions or memoranda of the Foreign Intelligence Surveillance Court ("FISC") concerning or interpreting Section 215; and

- e. Legal opinions or memoranda concerning or interpreting rulings, opinions, or memoranda of the FISC interpreting Section 215.
2. Drafts of documents listed in Paragraph 1 are excluded from the FOIA Request.
3. Acquisition applications or supporting documentation submitted to the FISC are excluded from the FOIA Request.
4. Electronic mail messages are excluded from the FOIA Request.
5. With respect to the Office of Legal Counsel ("OLC"), the FOIA Request is limited to OLC legal opinions and memoranda concerning or interpreting Section 215.
6. Records located with or in the possession of the Department of Justice Office of Public Affairs are excluded from the FOIA Request.
7. On or before March 15, 2012, Defendants will process and produce to Plaintiffs any responsive documents, or notify Plaintiffs of the complete or partial withholding of such documents, if any, pursuant to any applicable FOIA exemptions.
8. Within 21 days of the completion of the productions and notifications set forth in Paragraph 7, above, the parties will meet and confer regarding the documents withheld in whole or in part by Defendants, and Plaintiffs will notify Defendants whether they wish to object to any of the withholdings. In the event Plaintiffs object, the parties will discuss a scheduling order for whether, how, or when Defendants will provide an index of partially or completely withheld documents pursuant to *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

Dated: New York, New York
December 7, 2011

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
Attorney for Plaintiffs

By:


Charles A. Sims
Richard Haddad
PROSKAUER ROSE
Eleven Times Square
New York, New York 10036
Tel.: (212) 969-3549
Fax: (212) 969-2900
Email: csims@proskauer.com
rhaddad@proskauer.com

Dated: New York, New York
December 7, 2011

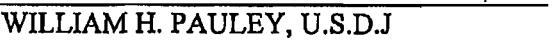
PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By:


JOHN D. CLOPPER
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-2716
Fax: (212) 637-0033
Email: john.clopper@usdoj.gov

SO ORDERED.

Dated: New York, New York
_____, 2011


WILLIAM H. PAULEY, U.S.D.J.